

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 13 2005

DAVID J. MALAND, CLERK

BY
DEPUTY _____

UNITED STATES OF AMERICA

V.

KENNETH KANYAYI

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§

Cause No. 4:05CR 202
Judge Brown

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 42 U.S.C. § 408(a)(7)(B)
(Social Security Fraud)

On or about October 12, 2004, within the Eastern District of Texas, the Defendant, KENNETH KANYAYI, for the purpose of obtaining employment and for other purposes, knowingly, willfully and with intent to deceive, falsely and fraudulently represented his Social Security Number to be 054-76-1118, when in fact this was not the social security number assigned by the Commissioner of Social Security to him, all in violation of Title 42, United States Code, Section 408(a)(7)(B).

COUNT TWO

Violation: 18 U.S.C. § 1001(a)(2)
(False Statement)

On or about October 12 , 2004, within the Eastern District of Texas, the Defendant, KENNETH KANYAYI, in a matter within the jurisdiction of United States Immigration and Customs Enforcement, did knowingly and wilfully make a materially false and fraudulent statement and representation, by completing an Employment Eligibility Verification Form I-9, OMB No. 1115-0136, and therein falsely and fraudulently represented his Social Security Number to be 054-76-1118, when in fact this was not the social security number assigned to him by the Commissioner of Social Security, all in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT THREE

Violation: 18 U.S.C. § 1015(e)
(False statement of citizenship for employment)

On or about October 12, 2004, within the Eastern District of Texas, the Defendant, KENNETH KANYAYI, did knowingly and wilfully make a false statement or claim that he was a citizen or national of the United States, with the intent to engage unlawfully in employment in the United States, all in violation of Title 18, United States Code, Section 1015(e).

COUNT FOUR

Violation: 18 U.S.C. § 1028(a)(6)
(Possession of false United States
identification documents)

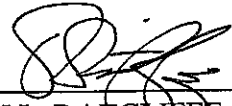
On or about October 12, 2004, within the Eastern District of Texas, the Defendant, KENNETH KANYAYI, did knowingly and without lawful authority possess an identification document that is or appears to be an identification document of the United States, namely a Social Security Administration card in the name of the Defendant, KENNETH KANYAYI, and bearing a purported social security number of 054-76-1118, which document was produced without lawful authority knowing that such document was produced without lawful authority, all in violation of Title 18, United States Code, Section 1028(a)(6).

A TRUE BILL,



FOREMAN OF THE GRAND JURY

MATTHEW ORWIG
UNITED STATES ATTORNEY



JOHN L. RATCLIFFE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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V.

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NOTICE OF PENALTY

COUNT 1

Violation: 42 U.S.C. § 408(a)(7)(B)

Penalty: Imprisonment of not more than five (5) years, a fine of not more than \$250,000 or both and a term of supervised release of up to three (3) years.

Special Assessment: \$100.00

COUNT 2

Violation: 18 U.S.C. § 1001(a)(2)

Penalty: Imprisonment for not more than five (5) years, a fine not to exceed \$250,000, or both and a term of supervised release of up to three (3) years

Special Assessment: \$100.00

COUNT 3

Violation: 18 U.S.C. § 1015(e)

Penalty: Imprisonment for not more than five (5) years, a fine not to exceed \$250,000, or both and a term of supervised release of up to three (3) years.

Special Assessment: \$100.00

COUNT 4

Violation: 18 U.S.C. § 1028(a)(6)

Penalty: Imprisonment for not more than one (1) year, a fine not to exceed \$100,000, or both. A term of supervised release of up to one (1) year.

Special Assessment: \$25.00